

Billing Code 4210-27-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4202-N-01]

Notice of Funding Availability (NOFA) for  
Supportive Housing for the Elderly

**AGENCY:** Office of the Assistant Secretary for Housing - Federal Housing Commissioner, HUD.

**ACTION:** Notice of funding availability (NOFA) for Fiscal Year (FY) 1997.

**SUMMARY:** This NOFA announces HUD's funding for supportive housing for the elderly. This NOFA describes the following: (a) the purpose of the NOFA, and information regarding eligibility, submission requirements, available amounts, and selection criteria; and (b) application processing, including how to apply and how selections will be made.

**APPLICATION PACKAGE:** The Application Package can be obtained from the Multifamily Housing Clearinghouse, P.O. Box 6424, Rockville, MD 20850; telephone 1-800-685-8470 (the TTY number is 1-800-483-2209), from the appropriate HUD office identified in Appendix B to this NOFA and also appears under the HUD Homepage on the Internet which can be accessed under "Development" at <http://www.hud.gov/fha/fhamf.html>. The Application Package includes a checklist of exhibits and steps involved in the application process.

**DATES:** The deadline for receipt of applications in response to this NOFA is 4 p.m. local time on July 28, 1997. The application deadline is firm as to date and hour. In the interest of fairness to all applicants, HUD will not consider any application that is received after the deadline. Sponsors should take this into account and submit applications as early as possible to avoid the risk of unanticipated delays or delivery-related problems. In particular, Sponsors intending to mail applications must provide sufficient time to permit

delivery on or before the deadline date. Acceptance by a post office or private mailer does not constitute delivery. HUD will not accept facsimile (fax), COD, and postage due applications.

**ADDRESSES:** Applications must be delivered to the Director of the Multifamily Housing Division in the HUD office for your jurisdiction. A listing of HUD offices, their addresses, and telephone numbers, including TTY numbers is attached as Appendix B to this NOFA. HUD will date and time stamp incoming applications to evidence timely receipt, and, upon request, will provide the applicant with an acknowledgement of receipt.

**FOR FURTHER INFORMATION CONTACT:** The HUD office for your jurisdiction, as listed in Appendix B to this NOFA.

**SUPPLEMENTARY INFORMATION:**

**I. Purpose and Substantive Description**

**A. Authority**

The Supportive Housing for the Elderly program, or the Section 202 program, is authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701q). Section 202 was amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (NAHA) (Pub. L. 101-625; approved November 28, 1990). Section 202 was also amended by the Housing and Community Development Act of 1992 (HCD Act of 1992) (Pub. L. 102-550; approved October 28, 1992), and by Public Law 104-19, enacted on July 27, 1995. Under the Section 202 program, the Secretary is authorized to provide assistance to private nonprofit organizations and nonprofit consumer cooperatives to expand the supply of supportive housing for the elderly. HUD provides the assistance as capital advances and contracts for project rental assistance in accordance with 24 CFR part 891. This assistance may be used to finance the construction or rehabilitation of a structure, or acquisition of a structure from the

Federal Deposit Insurance Corporation (formerly held by the Resolution Trust Corporation) (FDIC/RTC), to be used as supportive housing for the elderly in accordance with part 891.

Note that on March 22, 1996, HUD published a final rule (61 FR 11948) that consolidated the regulations for the Section 202 Program of Supportive Housing for the Elderly and the Section 811 Program of Supportive Housing for Persons with Disabilities in 24 CFR part 891.

For supportive housing for the elderly, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Pub. L. 104-204; approved September 26, 1996) (the Act) provides \$645,000,000 for capital advances, including amendments to capital advance contracts (not procurement contracts), for housing for the elderly as authorized by section 202 of the Housing Act of 1959 (as amended by the NAHA and HCD Act of 1992), and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959, as amended. In accordance with the waiver authority provided in the Act, the Secretary is waiving the following statutory and regulatory provision: The term of the project rental assistance contract is reduced from 20 years to a minimum term of 5 years and a maximum term which can be supported by funds authorized by the Act. HUD anticipates that at the end of the contract terms, renewals will be approved subject to the availability of funds. In addition to this provision, HUD will reserve project rental assistance contract funds based on 75 percent rather than on 100 percent of the current operating cost standards for approved units in order to take into account the average tenant contribution toward rent.

In accordance with an agreement between HUD and the Rural Housing Service (RHS) to coordinate the administration of the agencies' respective rental assistance programs, HUD is required to notify RHS of applications for housing assistance it receives. This notification gives RHS the opportunity

to comment if it has concerns about the demand for additional assisted housing and possible harm to existing projects in the same housing market area. HUD will consider the RHS comments in its review and project selection process.

B. Promoting Comprehensive Approaches to Housing and Community Development

HUD is interested in promoting comprehensive, coordinated approaches to housing and community development. Economic development, community development, public housing revitalization, homeownership, assisted housing for special needs populations, supportive services, and welfare-to-work initiatives can work better if linked at the local level. Toward this end, HUD in recent years has developed the Consolidated Planning process designed to help communities undertake such approaches.

In this spirit, it may be helpful for applicants under this NOFA to be aware of other related NOFAs that HUD has recently published or expects to publish in the near future. By reviewing these NOFAs with respect to their program purposes and the eligibility of applicants and activities, applicants may be able to relate the activities proposed for funding under this NOFA to the recent and upcoming NOFAs and to the community's Consolidated Plan.

On April 8, 1997, HUD published in the Federal Register the NOFA for Continuum of Care Assistance. On April 10, 1997, HUD published the NOFA for Rental Assistance for Persons with Disabilities in Support of Designated Housing Allocation Plans, and the NOFA for Mainstream Housing Opportunities for Persons with Disabilities. On April 18, 1997, HUD published the NOFA for the Family Unification Program. On May 7, 1997, HUD published the NOFA for Housing Opportunities for Persons with AIDS. Other NOFAs related to special population programs include the NOFA for the Section 811 Program of Supportive Housing for Persons with Disabilities, which is published elsewhere in today's Federal Register, and the NOFA for Service Coordinator Funds which HUD expects to publish within the next few weeks.

To foster comprehensive, coordinated approaches by communities, HUD

intends for the remainder of FY 1997 to continue to alert applicants to upcoming and recent NOFAs as each NOFA is published. In addition, a complete schedule of NOFAs to be published during the fiscal year and those already published appears under the HUD Homepage on the Internet, which can be accessed at <http://www.hud.gov/nofas.html>. HUD may consider additional steps on NOFA coordination for FY 1998.

For help in obtaining a copy of your community's Consolidated Plan, please contact the community development office of your municipal government.

C. Allocation Amounts

In accordance with 24 CFR part 791, the Assistant Secretary will allocate the amounts available for capital advances for supportive housing for the elderly. HUD reserves project rental assistance funds based upon 75 percent of the current operating cost standards to support the units selected for capital advances sufficient for minimum 5-year project rental assistance contracts.

The allocation formula for Section 202 funds consists of a measure of the number of one- and two-person elderly renter households with incomes at or below the very low income limit (50 percent of area median family income, as determined by HUD, with an adjustment for household size) that have housing deficiencies based on data from the 1990 Census.

Since the allocations to some HUD offices are not sufficient to develop feasible projects in both metropolitan and nonmetropolitan areas, the funds may be allocated to only one of the geographical areas.

The capital advance amount available to the Wisconsin State HUD Office, as stated below in this NOFA, may be reduced or eliminated due to ongoing legal proceedings between HUD and the City of Milwaukee. The determination of whether to reduce or eliminate those funds is entirely within the discretion of HUD. If HUD takes such action or actions, it will publish a notice to that effect in the Federal Register.

As a result of a rating error in the Massachusetts State Office, the

application of the Rural Housing Improvements was not selected and funded under the Fiscal Year 1996 Supportive Housing for the Elderly Program. Since this was a HUD error, that application will be funded from the Fiscal Year 1997 allocation to the Massachusetts State Office.

Based on the allocation formula, HUD has allocated the available capital advance funds as shown on the following chart:

## FISCAL YEAR 1997 ALLOCATIONS FOR SUPPORTIVE HOUSING FOR THE ELDERLY

## FISCAL YEAR 1997 SECTION 202 ALLOCATIONS

OFFICES	METROPOLITAN		NONMETROPOLITAN		TOTALS	
	CAPITAL ADVANCE		CAPITAL ADVANCE		CAPITAL ADVANCE	
	AUTHORITY	UNITS	AUTHORITY	UNITS	AUTHORITY	UNITS
NEW ENGLAND						
Massachusetts*	\$ 13,224,738	163	1,452,400	18	14,677,138	181
Connecticut	5,330,691	66	2,028,960	25	7,359,651	91
New Hampshire	2,901,442	45	2,113,447	32	5,014,889	77
Rhode Island	<u>4,535,046</u>	<u>56</u>	<u>0</u>	<u>0</u>	<u>4,535,046</u>	<u>56</u>
TOTAL	\$ 25,991,917	330	5,594,807	75	31,586,724	405
NEW YORK/NEW JERSEY						
New York	\$ 38,524,740	475	723,054	9	39,247,794	484
Buffalo	9,966,925	132	1,911,935	25	11,878,860	157
New Jersey	<u>16,004,754</u>	<u>197</u>	<u>0</u>	<u>0</u>	<u>16,004,754</u>	<u>197</u>
TOTAL	\$ 64,496,419	804	2,634,989	34	67,131,408	838
MID-ATLANTIC						
Maryland	\$ 4,992,253	72	680,858	10	5,673,111	82
West Virginia	1,285,008	20	1,048,721	16	2,333,729	36
Pennsylvania	12,788,228	166	1,555,444	20	14,343,672	186

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## FISCAL YEAR 1997 SECTION 202 ALLOCATIONS

OFFICES	METROPOLITAN		NONMETROPOLITAN		TOTALS	
	CAPITAL ADVANCE		CAPITAL ADVANCE		CAPITAL ADVANCE	
	AUTHORITY	UNITS	AUTHORITY	UNITS	AUTHORITY	UNITS
Pittsburgh	5,773,367	85	1,178,624	17	6,951,991	102
Virginia	3,949,284	68	1,319,703	23	5,268,987	91
D.C.	<u>5,258,701</u>	<u>73</u>	<u>0</u>	<u>0</u>	<u>5,258,701</u>	<u>73</u>
TOTAL	\$ 34,046,841	484	5,783,350	86	39,830,191	570
SOUTHEAST/CARIBBEAN						
Georgia	\$ 4,548,592	77	2,015,141	34	6,563,733	111
Alabama	3,359,260	59	1,380,968	24	4,740,228	83
Caribbean	3,320,946	41	1,138,410	14	4,459,356	55
South Carolina	2,989,534	48	1,088,659	17	4,078,193	65
North Carolina	5,889,849	80	2,695,611	36	8,585,460	116
Mississippi	1,088,875	20	1,572,105	29	2,660,980	49
Jacksonville	14,503,828	232	911,639	15	15,415,467	247
Kentucky	3,135,284	50	1,662,350	27	4,797,634	77
Knoxville	2,098,457	38	626,016	11	2,724,473	49
Tennessee	<u>2,828,198</u>	<u>50</u>	<u>1,226,999</u>	<u>22</u>	<u>4,055,197</u>	<u>72</u>
TOTAL	\$ 43,762,823	695	14,317,898	229	58,080,721	924



## FISCAL YEAR 1997 ALLOCATIONS FOR SUPPORTIVE HOUSING FOR THE ELDERLY

## FISCAL YEAR 1997 SECTION 202 ALLOCATIONS

OFFICES	METROPOLITAN		NONMETROPOLITAN		TOTALS	
	CAPITAL ADVANCE		CAPITAL ADVANCE		CAPITAL ADVANCE	
	AUTHORITY	UNITS	AUTHORITY	UNITS	AUTHORITY	UNITS
MIDWEST						
Illinois	17,560,581	216	2,572,490	32	20,133,071	248
Cincinnati	4,060,883	65	312,798	5	4,373,681	70
Cleveland	7,530,815	107	996,071	14	8,526,886	121
Ohio	2,871,557	46	1,249,596	20	4,121,153	66
Michigan	8,111,211	113	358,450	5	8,469,661	118
Grand Rapids	2,758,296	45	1,086,645	18	3,844,941	63
Indiana	5,257,918	81	1,468,433	23	6,726,351	104
Wisconsin	6,059,408	85	2,117,599	30	8,177,007	115
Minnesota	<u>6,010,579</u>	<u>80</u>	<u>1,665,724</u>	<u>22</u>	<u>7,676,303</u>	<u>102</u>
TOTAL	\$ 60,221,248	838	11,827,806	169	72,049,054	1,007
SOUTHWEST						
Texas/New Mexico	\$ 5,861,192	101	1,765,910	30	7,627,102	131
Houston	3,787,923	65	685,013	12	4,472,936	77
Arkansas	1,882,145	37	1,346,577	26	3,228,722	63
Louisiana	3,708,951	66	893,565	16	4,602,516	82

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## FISCAL YEAR 1997 SECTION 202 ALLOCATIONS

OFFICES	METROPOLITAN		NONMETROPOLITAN		TOTALS	
	CAPITAL ADVANCE		CAPITAL ADVANCE		CAPITAL ADVANCE	
	AUTHORITY	UNITS	AUTHORITY	UNITS	AUTHORITY	UNITS
Oklahoma	2,450,407	44	1,155,160	21	3,605,567	65
San Antonio	<u>3,727,875</u>	<u>69</u>	<u>0</u>	<u>0</u>	<u>3,727,875</u>	<u>69</u>
TOTAL	\$ 21,418,493	382	5,846,225	105	27,264,718	487
GREAT PLAINS						
Iowa	\$ 2,356,158	40	1,487,426	25	3,843,584	65
Kansas/Missouri	3,818,889	63	1,590,400	27	5,409,289	90
Nebraska	1,445,634	25	570,579	10	2,016,213	35
St. Louis	<u>4,210,350</u>	<u>60</u>	<u>1,381,817</u>	<u>20</u>	<u>5,592,167</u>	<u>80</u>
TOTAL	\$ 11,831,031	188	5,030,222	82	16,861,253	270
ROCKY MOUNTAINS						
Colorado	<u>\$ 5,236,189</u>	<u>81</u>	<u>2,274,376</u>	<u>38</u>	<u>7,510,565</u>	<u>119</u>
TOTAL	\$ 5,236,189	81	2,274,376	38	7,510,565	119

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## FISCAL YEAR 1997 SECTION 202 ALLOCATIONS

OFFICES	METROPOLITAN		NONMETROPOLITAN		TOTALS	
	CAPITAL ADVANCE		CAPITAL ADVANCE		CAPITAL ADVANCE	
	AUTHORITY	UNITS	AUTHORITY	UNITS	AUTHORITY	UNITS
PACIFIC/HAWAII						
Hawaii (Guam)	\$ 2,434,752	20	608,688	5	3,043,440	25
Los Angeles	27,990,373	351	399,029	5	28,389,402	356
Arizona	3,499,778	61	553,762	10	4,053,540	71
Sacramento	4,766,253	60	829,814	10	5,596,067	70
California	<u>15,624,582</u>	<u>196</u>	<u>940,675</u>	<u>12</u>	<u>16,565,257</u>	<u>208</u>
TOTAL	\$ 54,315,738	688	3,331,968	42	57,647,706	730
NORTHWEST/ALASKA						
Alaska	\$ 2,434,752	20	608,688	5	3,043,440	25
Oregon	4,152,210	60	1,558,795	23	5,711,005	83
Washington	<u>5,909,649</u>	<u>80</u>	<u>1,195,392</u>	<u>16</u>	<u>7,105,041</u>	<u>96</u>
TOTAL	\$ 12,496,611	160	3,362,875	44	15,859,486	204
<b>NATIONAL TOTAL</b>	<b>\$333,817,310</b>	<b>4,650</b>	<b>60,004,516</b>	<b>904</b>	<b>393,821,826</b>	<b>5,554</b>

\*This amount includes Capital Advance Authority of \$2,120,900 to fund Rural Housing Improvements, Bolton, Massachusetts. Since this 28-unit project was not selected in Fiscal Year 1996 by HUD error, this application will be funded from the Fiscal Year 1997 allocation to the Massachusetts State HUD Office.

D. Eligibility

Private nonprofit organizations and nonprofit consumer cooperatives are the only eligible applicants under this program. Neither a public body nor an instrumentality of a public body is eligible to participate in the program. No organization shall participate as Sponsor or Co-sponsor in the filing of application(s) for a capital advance in a single geographical region in this fiscal year in excess of that necessary to finance the construction, rehabilitation, or acquisition (acquisition permitted only with FDIC/RTC properties) of 200 units of housing and related facilities for the elderly. This limit shall apply to organizations that participate as Co-sponsors regardless of whether the Co-sponsors are affiliated or nonaffiliated entities. In addition, the national limit for any one applicant is 10 percent of the total units allocated in all HUD offices. Affiliated entities that submit separate applications shall be deemed to be a single entity for the purposes of these limits. No single application may propose more than the number of units allocated to a HUD office or 125 units, whichever is less. Reservations for projects will not be approved for less than 5 units.

E. Initial Screening, Technical Processing, and Selection Criteria

1. Initial Screening.

HUD will review applications for Section 202 capital advances that are received by HUD at the appropriate address by 4 p.m. local time on [insert date 60 days from date of publication in the FEDERAL REGISTER], to determine if all parts of the application are included. HUD will not review the content of the application as part of initial screening. HUD will send deficiency letters by certified mail, informing Sponsors of any missing parts of the application. Sponsors must correct such deficiencies within 8 calendar days from the date of the deficiency letter. Any document requested as a result of the initial screening may be executed or prepared within the deficiency period, except for Forms HUD-92015-CAs, Articles of Incorporation, IRS

exemption rulings, Forms SF-424, Board Resolution committing the minimum capital investment, and site control documents (**all of these excepted items must be dated no later than the application deadline date**).

2. Technical Processing.

All applications will be placed in technical processing upon receipt of the response to the deficiency letter or at the end of the 8-day period. These applications will undergo a complete analysis based upon the information submitted in the application, including that submitted in response to the deficiency letter. If a reviewer finds that clarification of information submitted in the application is needed to complete the review, or an exhibit is missing that was not requested after initial screening, the reviewer shall immediately advise the Multifamily Housing Representative, who will:

(a) request, by telephone, that the Sponsor submit the information within 5 working days; and (b) follow up by certified letter. As part of this analysis, HUD will conduct its environmental review in accordance with 24 CFR part 50.

Technical processing will also assure that the Sponsor has complied with the requirements in the civil rights certification in the Application Package.

There must not have been an adjudication of a civil rights violation in a civil action brought against the Sponsor, unless the Sponsor is operating in compliance with a court order, or implementing a HUD-approved compliance agreement designed to correct the areas of noncompliance. There must be no pending civil rights suits against the Sponsor instituted by the Department of Justice, and no pending administrative actions for civil rights violations instituted by HUD (including a charge of discrimination under the Fair Housing Act). There must be no outstanding findings of noncompliance with civil rights statutes, Executive Orders, or regulations, as a result of formal administrative proceedings, nor any charges issued by the Secretary against the Sponsor under the Fair Housing Act, unless the Sponsor is operating under

a conciliation or compliance agreement designed to correct the areas of noncompliance. Moreover, there must not be a deferral of the processing of applications from the Sponsor imposed by HUD under title VI of the Civil Rights Act of 1964, HUD's implementing regulations (24 CFR 1.8), procedures (HUD Handbook 8040.1), and the Attorney General's Guidelines (28 CFR 50.3); or under section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations (24 CFR 8.57), and the Americans with Disabilities Act.

Examples of reasons for technical processing rejection include an ineligible Sponsor or population to be served, project will have adverse impact on existing HUD-insured or assisted housing, lack of legal capacity, lack of site control, outstanding or pending civil rights findings/violations, insufficient need, and unacceptable site based upon a site visit. The Secretary will not reject an application based on technical processing without giving notice of that rejection with all rejection reasons, and affording the applicant an opportunity to appeal. HUD will afford an applicant 10 calendar days from the date of HUD's written notice to appeal a technical rejection to the HUD office. The HUD office must respond within 5 working days to the Sponsor. The HUD office shall make a determination on an appeal prior to making its selection recommendations. All applications will be either rated or technically rejected at the end of technical processing.

Upon completion of technical processing, all acceptable applications will be rated according to the selection criteria in section I.E.3. of this NOFA, below. Applications submitted in response to the advertised metropolitan allocations or nonmetropolitan allocations that have a total base score (without the addition of bonus points) of 60 points or more will be eligible for selection, and HUD will place them in rank order per metropolitan or nonmetropolitan allocation. After adding any bonus points, HUD will select these applications based on rank order, up to and including the last application that can be funded out of each of the local HUD office's metropolitan or nonmetropolitan allocations. HUD offices shall not skip over

any applications in order to select one based on the funds remaining. However, after making the initial selections in each allocation area, any residual funds may be used to fund the next rank-ordered application by reducing the number of units by no more than 10 percent rounded to the nearest whole number, provided the reduction will not render the project infeasible. For this purpose, however, HUD will not reduce the number of units in projects of nine units or less.

Once this process has been completed, HUD offices may combine their unused metropolitan and nonmetropolitan funds in order to select the next ranked application in either category, using the unit reduction policy described above, if necessary.

Funds remaining after these processes are completed will be returned to Headquarters. These funds will be used first to restore units to projects reduced by HUD offices as a result of the instructions above and, second, for selecting applications on a national rank order. No more than one application will be selected per HUD office from the national residual amount, however, unless there are insufficient approvable applications in other HUD offices. If funds still remain, additional applications will be selected based on a national rank order, insuring an equitable distribution among HUD offices.

### 3. Selection Criteria (Base Points).

HUD will rate applications for Section 202 capital advances that successfully complete technical processing using the selection criteria set forth below, and the guidelines set forth in Appendix A to this NOFA:

(a) The Sponsor's ability to develop and operate the proposed housing on a long-term basis, considering the following (52 points maximum):

(1) The scope, extent, and quality of the Sponsor's experience in providing housing or related services to those proposed to be served by the project, and the scope of the proposed project (i.e., number of units, services, relocation costs, development, and operation) in relationship to the

Sponsor's demonstrated development and management capacity, as well as its financial management capability (30 points);

(2) The scope, extent, and quality of the Sponsor's experience in providing housing or related services to minority persons or families (10 points). For purposes of this NOFA, "minority" means the basic racial and ethnic categories for Federal statistics and administrative reporting, as defined in OMB's Statistical and Policy Directive No. 15. (See 60 FR 44673, 44692; August 28, 1995.);

(3) The extent of local government support for the project (5 points);

(4) The extent of the Sponsor's activities in the community, including previous experience in serving the area where the project is to be located, and the Sponsor's demonstrated ability to enlist volunteers and raise local funds (7 points).

(b) The need for supportive housing for the elderly in the area to be served and the suitability of the site, considering the following (28 points maximum):

(1) The extent of the need for the project in the area based on a determination by the HUD office. HUD will make this determination by considering the Sponsor's evidence of need in the area, as well as other economic, demographic, and housing market data available to the HUD office. The data could include the availability of existing Federally assisted housing (HUD and RHS) (e.g., considering availability and vacancy rates of public housing) for the elderly and current occupancy in such facilities; Federally assisted housing for the elderly under construction or for which fund reservations have been issued; and in accordance with an agreement between HUD and the RHS, comments from the RHS on the demand for additional assisted housing and the possible harm to existing projects in the same housing market area (8 points);

(2) The proximity or accessibility of the site to shopping, medical



facilities, transportation, places of worship, recreational facilities, places of employment, and other necessary services to the intended occupants; adequacy of utilities and streets; freedom of the site from adverse environmental conditions; compliance with site and neighborhood standards (10 points); and

(3) Suitability of the site from the standpoints of promoting a greater choice of housing opportunities for minority elderly persons/families, and affirmatively furthering fair housing (10 points).

(c) Adequacy of the provision of supportive services and of the proposed facility, considering the following (20 points maximum):

(1) The extent to which the proposed design will meet the special physical needs of elderly persons (3 points);

(2) The extent to which the proposed size and unit mix of the housing will enable the Sponsor to manage and operate the housing efficiently and ensure that the provision of supportive services will be accomplished in an economical fashion (4 points);

(3) The extent to which the proposed design of the housing will accommodate the provision of supportive services that are expected to be needed, initially and over the useful life of the housing, by the category or categories of elderly persons the housing is intended to serve (3 points);

(4) The extent to which the proposed supportive services meet the identified needs of the residents (5 points); and

(5) The extent to which the Sponsor demonstrated that the identified supportive services will be provided on a consistent, long-term basis (5 points).

The maximum number of points an application can earn without bonus points is 100. An application can earn an additional 10 bonus points, as described immediately below, for a maximum total of 110 points.

#### 4. Bonus Points

(a) The Sponsor's involvement of elderly persons, particularly minority elderly persons, in the development of the application, and its intent to involve elderly persons, particularly minority elderly persons, in the development of the project (5 bonus points);

(b) The project will be located within the boundaries of a Federally designated Empowerment Zone, Urban Supplemental Empowerment Zone, Enterprise Community, or an Urban Enhanced Enterprise Community (5 bonus points).

## II. Application Process

All applications for Section 202 capital advances submitted by eligible Sponsors must be filed with the appropriate HUD office receiving an allocation and must meet the requirements of this NOFA. HUD will not accept any application after 4 p.m. local time on July 28, 1997 unless that date and time is extended by a notice published in the Federal Register. HUD will not accept applications received after the deadline date and time, even if postmarked by the deadline date. Applications submitted by facsimile are not acceptable.

Immediately upon publication of this NOFA, if HUD offices have not already provided names to the Multifamily Housing Clearinghouse, the offices shall notify elderly and minority media, all persons and organizations on their mailing lists, minority and other organizations within their jurisdiction involved in housing and community development, and groups with special interest in housing for elderly households.

Organizations interested in applying for a Section 202 capital advance should contact the Multifamily Housing Clearinghouse at 1-800-685-8470 (the TTY number is 1-800-483-2209) for a copy of the application package, and advise the HUD office whether they wish to attend the workshop described below. HUD encourages minority organizations to participate in this program

as Sponsors. HUD offices will advise all organizations on their mailing list of the date, time, and place of workshops at which HUD will explain the Section 202 program.

HUD strongly recommends that prospective applicants attend the local HUD office workshop. Interested persons with disabilities should contact the HUD office to assure that any necessary arrangements can be made to enable their attendance and participation in the workshop. At the workshops, HUD will explain application procedures and requirements. HUD will also address concerns such as local market conditions, building codes, historic preservation, floodplain management, displacement and relocation, zoning, and housing costs.

While strongly urged to do so, if Sponsors cannot attend a workshop, they can obtain Application Packages from the Multifamily Housing Clearinghouse (see address and telephone number in the "Application Package" section of this NOFA, above). However, Sponsors who cannot attend the workshops are strongly encouraged to contact the appropriate HUD office with any questions regarding the submission of applications to that particular office and to request any materials handed out at the workshop.

### **III. Application Submission Requirements**

#### **A. Application**

Each application must include all of the information, materials, forms, and exhibits listed in section III.B., below (with the exception of applications submitted by Sponsors selected for a Section 202 fund reservation within the last three funding cycles), **and must be indexed and tabbed**. Such previously selected Section 202 Sponsors are not required to submit the information described in sections B.2.(a), (b), and (c) of this NOFA, below (Exhibits 2.a., b., and c. of the application), which are the articles of incorporation, (or other organizational documents), by-laws, and the IRS tax exemption, respectively. If there has been a change in any of the eligibility

documents since its previous HUD approval, the Sponsor must submit the updated information in its application. The local HUD office will base its determination of the eligibility of a new Sponsor for a reservation of Section 202 capital advance funds on the information provided in the application. HUD offices will verify a Sponsor's indication of previous HUD approval by checking the project number and approval status with the appropriate HUD office.

In addition to this relief of paperwork burden in preparing applications, applicants will be able to submit information and exhibits they have previously prepared for prior applications under Section 202, Section 811, or other funding programs. Examples of exhibits that may be readily adapted or amended to decrease the burden of application preparation include, among others, those on previous participation in the Section 202 or Section 811 programs, applicant experience in provision of housing and services, supportive services plan, community ties, and experience serving minorities.

#### B. General Application Requirements

1. Form HUD-92015-CA, Application for Section 202 Supportive Housing Capital Advance.

2. Evidence of **each** Sponsor's legal status as a private nonprofit organization or nonprofit consumer cooperative, including the following:

(a) Articles of Incorporation, constitution, or other organizational documents;

(b) By-laws;

(c) IRS tax exemption ruling (this must be submitted by all Sponsors, including churches). A consumer cooperative that is tax exempt under State law, has never been liable for payment of Federal income taxes, and does not pay patronage dividends may be exempt from the requirement set out in the previous sentence if it is not eligible for tax exemption.

**NOTE: SPONSORS WHO HAVE RECEIVED A SECTION 202 FUND RESERVATION WITHIN**

THE LAST THREE FUNDING CYCLES ARE NOT REQUIRED TO SUBMIT THE DOCUMENTS DESCRIBED IN (a), (b), and (c), ABOVE. INSTEAD, SPONSORS MUST SUBMIT THE PROJECT NUMBER OF THE LATEST APPLICATION AND THE HUD OFFICE TO WHICH IT WAS SUBMITTED. IF THERE HAVE BEEN ANY MODIFICATIONS OR ADDITIONS TO THE SUBJECT DOCUMENTS, INDICATE SUCH, AND SUBMIT THE NEW MATERIAL.

(d) Resolution of the board, duly certified by an officer, that no officer or director of the Sponsor or Owner has or will have any financial interest in any contract with the Owner or in any firm or corporation that has or will have a contract with the Owner, including a current listing of all duly qualified and sitting officers and directors by title, and the beginning and ending dates of each person's term.

3. Sponsor's purpose, community ties, and experience, including the following:

(a) A description of Sponsor's purposes and activities, ties to the community (including the minority community), local government support (including financial support and services), how long the Sponsor has been in existence, and any additional related information;

(b) A description of Sponsor's housing and/or supportive services experience. The description should include any rental housing projects and/or supportive services facilities sponsored, owned, and operated by the Sponsor; the Sponsor's past or current involvement in any programs other than housing that demonstrates the Sponsor's management capabilities (including financial management) and experience; the Sponsor's experience in serving the elderly, including elderly persons with disabilities, and/or families and minorities; and the reasons for receiving any increases in fund reservations for developing and/or operating previously funded projects;

(c) A description of Sponsor's participation in joint ventures and experience in contracting with minority-owned businesses, women-owned businesses, and small businesses over the last 3 years, including a

description of the joint venture, partners and the Sponsor's involvement, and a summary of the total contract amounts awarded in each of the 3 categories for the preceding 3 years, and the percentage that amount represents of all contracts awarded by the Sponsor in the relevant time period;

(d) A certified Board Resolution, acknowledging the responsibilities of sponsorship, long-term support of the project(s), willingness of Sponsor to assist the Owner to develop, own, manage, and provide appropriate services in connection with the proposed project, and that it reflects the will of its membership. Also, evidence, in the form of a certified Board Resolution, of the Sponsor's willingness to fund the estimated start-up expenses, the Minimum Capital Investment (one-half of 1 percent of the HUD-approved capital advance, not to exceed \$10,000, if nonaffiliated with a National Sponsor; one-half of 1 percent of the HUD-approved capital advance, not to exceed \$25,000, for all other Sponsors;), and the estimated cost of any amenities or features (and operating costs related thereto) that would not be covered by the approved capital advance;

(e) Description, if applicable, of the Sponsor's efforts to involve elderly persons, including minority elderly persons, in the development of the application, as well as its intent to involve elderly persons in the development of the project.

4. Project information, including the following:

(a) Evidence of need for supportive housing. Such evidence would include a description of the category or categories of elderly persons the housing is intended to serve and evidence demonstrating sustained effective demand for supportive housing for that population in the market area to be served, taking into consideration the occupancy and vacancy conditions in existing Federally assisted housing for the elderly (HUD and RHS; e.g., public housing); State or local data on the limitations in activities of daily living among the elderly in the area; aging in place in existing assisted rentals;

trends in demographic changes in elderly population and households; the numbers of income eligible elderly households by size, tenure, and housing condition; the types of supportive services arrangements currently available in the area; and the use of such services as evidenced by data from local social service agencies or agencies on aging.

(b) Description of the project, including the following:

(1) Narrative description of the building design, including a description of any special design features and community space, and how this design will facilitate the delivery of services in an economical fashion and accommodate the changing needs of the residents over the next 10-20 years;

(2) Description of whether and how the project will promote energy efficiency, and, if applicable, innovative construction or rehabilitation methods or technologies to be used that will promote efficient construction.

(c) Evidence of site control and permissive zoning, including the following:

(1) Evidence that the Sponsor has entered into a legally binding option agreement (which extends through the end of the current fiscal year and contains a renewal provision so that the option can be renewed for at least an additional 6 months) to buy or lease the proposed site; or has a copy of the contract of sale for the site, a deed, long-term leasehold, a request with all supporting documentation, submitted either prior to or with the Application for Capital Advance, for a partial release of a site covered by a mortgage under a HUD program, or other evidence of legal ownership of the site (including properties to be acquired from the FDIC/RTC). The Sponsor must also identify any restrictive covenants, including reverter clauses. In the case of a site to be acquired from a public body, evidence that the public body possesses clear title to the site, and has entered into a legally binding agreement to lease or convey the site to the Sponsor after it receives and

accepts a notice of Section 202 capital advance and identification of any restrictive covenants, including reverter clauses. However, in localities where HUD determines the time constraints of the funding round will not permit all of the required official actions (e.g., approval of Community Planning Boards) that are necessary to convey publicly-owned sites, a letter in the application from the mayor or director of the appropriate local agency indicating approval of conveyance of the site contingent upon the necessary approval action is acceptable and may be approved by the HUD office if it has satisfactory experience with timely conveyance of sites from that public body.

In such cases, documentation must also include a copy of the public body's evidence of ownership and identification of any restrictive covenants, including reverter clauses;

**NOTE: A PROPOSED PROJECT SITE MAY NOT BE ACQUIRED OR OPTIONED FROM A GENERAL CONTRACTOR (OR ITS AFFILIATE) THAT WILL CONSTRUCT THE SECTION 202 PROJECT OR FROM ANY OTHER DEVELOPMENT TEAM MEMBER.**

(2) Evidence that the project as proposed is permissible under applicable zoning ordinances or regulations, or a statement of the proposed action required to make the proposed project permissible and the basis for belief that the proposed action will be completed successfully before the submission of the firm commitment application (e.g., a summary of the results of any requests for rezoning on land in similar zoning classifications and the time required for such rezoning, or preliminary indications of acceptability from zoning bodies);

(3) A narrative topographical and demographic description of the suitability of the site and area, and how the site will promote greater housing opportunities for minority elderly and elderly persons with disabilities, thereby affirmatively furthering fair housing;

(4) A map showing the location of the site and the racial composition of the neighborhood, with the area of racial concentration delineated;

(5) A Phase I Environmental Site Assessment, in accordance with the



American Society for Testing and Material (ASTM) Standards E 1527-93, as amended. Since the Phase I study must be completed and submitted with the application, it is important that the Sponsor start the site assessment process as soon after publication of the NOFA as possible.

If the Phase I study indicates the possible presence of contamination and/or hazards, the Sponsor must decide whether to continue with this site or choose another site. Should the Sponsor choose another site, the same environmental site assessment procedure identified above must be followed for that site. NOTE: For properties to be acquired from the FDIC/RTC, include a copy of the FDIC/RTC prepared Transaction Screen Checklist or Phase I Environmental Site Assessment, and applicable documentation, per the FDIC/RTC Environmental Guidelines.

If the Sponsor chooses to continue with the original site on which the Phase I study indicated contamination or hazards, then it must undertake a detailed Phase II Environmental Site Assessment by an appropriate professional. If the Phase II Assessment reveals site contamination, the extent of the contamination and a plan for clean-up of the site must be submitted to the local HUD office. The plan for clean-up must include a contract for remediation of the problem(s) and an approval letter from the applicable Federal, State, and/or local agency with jurisdiction over the site. In order for the application to be considered for review under this FY 1997 funding competition, this information would have to be submitted to the local HUD office no later than [insert date 90 days after date of publication in the FEDERAL REGISTER]. **NOTE: THIS COULD BE AN EXPENSIVE UNDERTAKING. THE COST OF ANY CLEAN-UP AND/OR REMEDIATION MUST BE BORNE BY THE SPONSOR.**

(6) A letter from the State Historic Preservation Officer indicating whether the proposed site has any historical significance.

(d) Provision of supportive services and proposed facility:

(1) A detailed description of the supportive services proposed to be provided to the anticipated occupancy;

(2) A description of public or private sources of assistance that reasonably could be expected to fund the proposed services;

(3) The manner in which such services will be provided to such persons (i.e., on or off-site), including whether a service coordinator will facilitate the adequate provision of such services, and how the services will meet the identified needs of the residents. NOTE: Disability related supportive services cannot be a condition for tenancy.

5. A list of the applications, if any, the Sponsor has submitted or is planning to submit to any other HUD office in response to this NOFA or the NOFA for Section 811 Program of Supportive Housing for Persons with Disabilities (published elsewhere in today's Federal Register). Indicate by HUD office, the proposed location by city and State, and the number of units requested for each application. Include a list of all FY 1996 and prior year projects to which the Sponsor(s) is a party that have not been finally closed. Such projects must be identified by project number and HUD office.

6. HUD-2880, Applicant/Recipient Disclosure/Update Report, including Social Security Numbers and Employer Identification Numbers.

7. Executive Order 12372 certification. A certification that the Sponsor has submitted a copy of its applications, if required, to the State agency (single point of contact) for State review in accordance with E.O. 12372.

8. A statement that (a) identifies all persons (families, individuals, businesses, and nonprofit organizations), identified by race/minority group, and status as owners or tenants, occupying the property

on the date of submission of the application for a capital advance;  
 (b) indicates the estimated cost of relocation payments and other services;  
 (c) identifies the staff organization that will carry out the relocation activities; and (d) identifies all persons that have moved from the site within the past 12 months.

**NOTE: IF ANY OF THE RELOCATION COSTS WILL BE FUNDED FROM SOURCES OTHER THAN THE SECTION 202 CAPITAL ADVANCE, THE SPONSOR MUST PROVIDE EVIDENCE OF A FIRM COMMITMENT OF THESE FUNDS. WHEN EVALUATING APPLICATIONS, HUD WILL CONSIDER THE TOTAL COST OF PROPOSALS (i.e., COST OF SITE ACQUISITION, RELOCATION, CONSTRUCTION, AND OTHER PROJECT COSTS).**

9. SF-424. A certification on SF-424, Application for Federal Assistance, that the Sponsor(s) is not delinquent on the repayment of any Federal debt.

10. A certification regarding Lobbying that complies with 24 CFR part 87 must be submitted by the Sponsor. If the Sponsor has made or has agreed to make any payment using nonappropriated funds for lobbying activity, as described in 24 CFR part 87, the submission must also include SF-LLL, Disclosure of Lobbying Activities.

11. Certification of Consistency with the Consolidated Plan (Plan) for the jurisdiction in which the proposed project will be located must be submitted by the Sponsor. The certification must be made by the unit of general local government if it is required to have, or has, a complete Plan. Otherwise the certification may be made by the State, or by the unit of general local government if the project will be located within the jurisdiction of the unit of general local government authorized to use an abbreviated strategy, and if the unit of general local government is willing to prepare such a Plan.

All certifications must be made by the public official responsible for submitting the Plan to HUD. The certifications must be submitted as part of the application by the application submission deadline set forth in this NOFA. The Consolidated Plan regulations are published in 24 CFR part 91.

12. Sponsor Certifications.

(a) A certification that the Sponsor will comply with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the implementing regulations in 24 CFR part 8; the Fair Housing Act (42 U.S.C. 3600-3619) and the implementing regulations in 24 CFR parts 100, 108, and 110; title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the implementing regulations in 24 CFR part 1; section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations in 24 CFR part 135; the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and the implementing regulations in 24 CFR part 146; Executive Order 11246 (as amended) and the implementing regulations in 41 CFR Chapter 60; the regulations implementing Executive Order 11063 (Equal Opportunity in Housing) in 24 CFR part 107; the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) to the extent applicable; the affirmative fair housing marketing requirements of 24 CFR part 200, subpart M and the regulations in 24 CFR part 108; and other applicable Federal, State, and local laws prohibiting discrimination and promoting equal opportunity.

(b) A certification that the Sponsor(s) will comply with the requirements of the Drug-Free Workplace Act.

(c) A certification that the project will comply with HUD's project design and cost standards; the Uniform Federal Accessibility Standards and HUD's implementing regulations at 24 CFR part 40; section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and HUD's implementing regulations at 24 CFR part 8; and for covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991, the design and

construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100; and the Americans with Disabilities Act of 1990.

(d) A certification by the Sponsor(s) that it will comply (or has complied) with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), implemented by regulations in 49 CFR part 24, and 24 CFR 891.155(e).

(e) A certification by the Sponsor(s) that it will: (i) form an "Owner" (as defined in 24 CFR 891.205) after the issuance of the capital advance; (ii) cause the Owner to file a request for determination of eligibility and a request for capital advance; and (iii) provide sufficient resources to the Owner to insure the development and long-term operation of the project, including capitalizing the Owner at firm commitment processing in an amount sufficient to meet its obligations in connection with the project.

#### **IV. Development Cost Limits**

A. The following development cost limits, adjusted by locality as described in section IV.B. of this NOFA, below, shall be used to determine the capital advance amount to be reserved for projects for the elderly:

(1) The total development cost of the property or project attributable to dwelling use (less the incremental development cost and the capitalized operating costs associated with any excess amenities and design features to be paid for by the Sponsor) may not exceed:

Nonelevator structures:

\$28,032 per family unit without a bedroom;

\$32,321 per family unit with one bedroom;

\$38,979 per family unit with two bedrooms;

For elevator structures:

\$29,500 per family unit without a bedroom;

\$33,816 per family unit with one bedroom;

\$41,120 per family unit with two bedrooms.

(2) These cost limits reflect those costs reasonable and necessary to develop a project of modest design that complies with HUD minimum property standards; the accessibility requirements of § 891.120(b); and the project design and cost standards of § 891.120.

**B. Increased development cost limits.**

(1) HUD may increase the development cost limits set forth in section IV.A.(1) of this NOFA, above, by up to 140 percent in any geographic area where the cost levels require, and may increase the development cost limits by up to 160 percent on a project-by-project basis.

(2) If HUD finds that high construction costs in Alaska, Guam, the Virgin Islands, or Hawaii make it infeasible to construct dwellings, without the sacrifice of sound standards of construction, design, and livability, within the development cost limits provided in section IV.A. of this NOFA, above, the amount of the capital advances may be increased to compensate for such costs. The increase may not exceed the limits established under this section (including any high cost area adjustment) by more than 50 percent.

**V. Findings and Certifications**

**A. Paperwork Reduction Act Statement**

The information collection requirements contained in this NOFA have been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), and assigned OMB control number 2502-0267. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

B. Environmental Impact

This NOFA provides funding under, and does not alter the environmental provisions of, regulations in 24 CFR part 891, which were published in the Federal Register on March 22, 1996 (61 FR 11956). Accordingly, under 24 CFR 50.19(c)(5), as published in the Federal Register on September 27, 1996 (61 FR 50914, 50919), this NOFA is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321). The environmental review provisions of the Section 202 program regulations are in 24 CFR 891.155(b).

C. Federalism Executive Order

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this NOFA does not have substantial direct effects on States or their political subdivisions, or on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. This NOFA merely notifies the public of the availability of capital advances and project rental assistance for supportive housing for the elderly. As a result, this NOFA is not subject to review under the Order.

D. Accountability in the Provision of HUD Assistance

Section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545) (HUD Reform Act) and the regulations codified in 24 CFR part 4, subpart A, contain a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. On January 14, 1992 (57 FR 1942), HUD published a notice that also provides information on the implementation of section 102. The documentation, public access, and disclosure requirements of section 102 apply to assistance awarded under this NOFA as follows:

Documentation and public access requirements. HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a 5-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its Federal Register notice of all recipients of HUD assistance awarded on a competitive basis.

Disclosures. HUD will make available to the public for 5 years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than 3 years. All reports--both applicant disclosures and updates--will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15.



E. Prohibition Against Advance Information on Funding Decisions.

HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989, codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are prohibited by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants or employees who have ethics related questions should contact the HUD Ethics Law Division at (202) 708-3815 (this is not a toll-free number). To access this number by TTY, dial 1-800-877-8339. HUD employees who have specific program questions, such as whether particular subject matter can be discussed with persons outside HUD, should contact the appropriate Field Office Counsel, or Headquarters counsel for the program to which the question pertains.

F. Prohibition Against Lobbying Activities

Applicants for funding under this NOFA are subject to the provisions of section 319 of the Department of Interior and Related Agencies Appropriation Act for Fiscal Year 1991 (31 U.S.C. 1352) (the Byrd Amendment) and to the provisions of the Lobbying Disclosure Act of 1995 (Pub. L. 104-65; approved December 19, 1995).

The Byrd Amendment, which is implemented in regulations at 24 CFR part 87, prohibits applicants of Federal contracts and grants from using appropriated funds to attempt to influence Federal executive or legislative officers or employees in connection with obtaining such assistance, or with

its extension, continuation, renewal, amendment, or modification. The Byrd Amendment applies to the funds that are the subject of this NOFA. Therefore, applicants must file a certification stating that they have not made and will not make any prohibited payments, and if applicants have made any payments or agreement to make payments of nonappropriated funds for these purposes, they must submit a form SF-LLL disclosing such payments. The certification and the SF-LLL are included in the Application Package.

The Lobbying Disclosure Act of 1995, P.L. 104-65 (December 19, 1995), which repealed Section 112 of the HUD Reform Act and resulted in the elimination of the regulations at 24 CFR Part 86, requires all persons and entities who lobby covered Executive or Legislative Branch officials to register with the Secretary of the Senate and the Clerk of the House of Representatives and file reports concerning their lobbying activities.

H. Catalog of Federal Domestic Assistance Program

The Catalog of Federal Domestic Assistance Program title and number is 14.157, Housing for the Elderly or Handicapped.

**AUTHORITY:** Section 202, Housing Act of 1959, as amended (12 U.S.C. 1701q); Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: May 7, 1997.

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Nicolas P. Retsinas,  
Assistant Secretary for Housing -

## APPENDIX A

GUIDELINES FOR RATING SECTION 202 APPLICATIONS FY 1997  
SUPPORTIVE HOUSING FOR THE ELDERLY

DIRECTIONS: In applications proposing a Co-Sponsor, the Sponsor and Co-Sponsor are to be evaluated and scored separately. **The higher score shall be awarded to the application.**

The full range of numerical ratings should be used.

**1. In determining the Sponsor's ability to develop and operate the proposed housing on a long-term basis, consider: 52 points maximum**

- (MHR)(a) & AM avg'd) The scope, extent and quality of the Sponsor's experience in providing housing OR related services to those proposed to be served by the project and the scope of the proposed project (i.e., number of units, services, relocation costs, development, and operation) in relationship to the Sponsor's demonstrated development and management capacity and financial management capability (30 points maximum).
- 25-30 Points Sponsor must have developed and operated at least one housing project comparable in scope to the project being applied for **or** provided related supportive services for at least five years **for the proposed population** and, demonstrated a consistent performance in timely development, effective marketing, and efficient management of housing and/or service delivery. Also, the Sponsor must not have received any unreasonable increases in fund reservations for developing and/or operating previously funded projects.
- 12-24 Points Sponsor has at least three years experience in providing housing **and/or** supportive services **for the proposed population** and has demonstrated consistent performance in timely development, effective marketing, and efficient management of housing and/or service delivery.
- 1-11 Points Sponsor has less than three years experience in providing either housing or supportive services **for the proposed population, or**, has not performed consistently in the development, marketing, and management of housing and/or service delivery.
- (FHEO)(b) The scope, extent and quality of the Sponsor's experience in providing housing or related services to minority persons or families (10 points maximum).
- 10 points Sponsor has significant previous experience in housing/serving minorities (i.e., previous housing assistance/related service to minorities was equal to or greater than the percentage of minorities in the jurisdiction where the previous housing/service experience occurred); **and** the Sponsor has ties to the minority community.
- 8-9 points Sponsor has significant previous experience in housing/serving minorities. There is no evidence that the Sponsor has ties to the

minority community.

- 5-7 points Sponsor has minimal experience in housing/serving minorities (i.e., previous housing assistance/related service to minorities was less than the percentage of minorities in the jurisdiction where the previous housing/related service experience occurred); **and** the Sponsor has ties to the minority community.
- 3-4 points Sponsor has minimal experience in housing/serving minorities **but** the Sponsor does not have ties to the minority community.
- 1-2 points The Sponsor does not have experience in housing/serving minorities, but there is evidence that the Sponsor has ties to the minority community.
- 0 points None of the above.

(SEC (c)  
REP) The extent of local government support for the project.  
(5 points maximum).

- 5 points The application contains written evidence that the local government intends to provide financial assistance and community services to the proposed project and the project is consistent with the Consolidated Plan which shows a need for elderly housing.
- 3 points The application contains written evidence that the local government intends to provide community services to the proposed project and the project is consistent with the Consolidated Plan which shows a need for elderly housing.
- 1 point The Sponsor has enlisted some support in the community (i.e., letters of support from other agencies) for the proposed project and the project is consistent with the Consolidated Plan which shows a need for elderly housing.

MHR (d) The extent of the Sponsor's previous experience in serving the area where the project is to be located (i.e., extent of its activities, period of involvement, and the size of the population served), and Sponsor's demonstrated ability to enlist volunteers and raise local funds (7 points maximum).

- 4-7 points The Sponsor has provided documentation which demonstrates its previous experience in serving the project locality, and has a good track record of private fund raising and enlisting volunteers in the community.
- 1-3 points The Sponsor has limited experience in serving the area where the project is to be located, or in securing private funding or enlisting volunteers in a community.

**2. In determining the need for supportive housing for the elderly in the area to be served and the suitability of the site, consider: 28 points maximum**

(EMAS)(a) The extent of the need for the project in the area based on a determination by the HUD Office. This determination will be made

by taking into consideration the Sponsor's evidence of need in the area, as well as other economic, demographic and housing market data available to the HUD Office (8 points maximum).

Rating points for all projects, determined to be marketable, are to be based on the ratio of the number of units in the proposed project to the estimate of unmet need for housing assistance by the income eligible elderly households with selected housing conditions, as follows. Unmet housing need is defined as the number of very low-income renter households with housing problems, as of the 1990 Census minus the number of Federally assisted housing units provided since the 1990 Census. HUD will, to the extent practicable, consider all units provided for the elderly under the Section 8 programs, the Public and Indian Housing programs, the Section 202 program, and the Rural Housing Service's Section 515 Rural Rental Housing program.

8 Points                      The number of units proposed is 10 percent or less of the income eligible unmet need.

4 Points                      The number of units proposed is 11 percent or more of the income eligible unmet need.

(VAL) (b)              The proximity or accessibility of the site to shopping, medical facilities, transportation, places of worship, recreational facilities, places of employment, and other necessary services to the intended occupants, adequacy of utilities and streets, freedom of the site from adverse environmental conditions, and compliance with site and neighborhood standards (10 points maximum).

7-10 points              **All necessary services and facilities**, including shopping facilities for daily necessities (groceries, toiletries and medicines), are within safe walking distance, **OR** are easily accessible by frequently operating public transportation or by transportation provided by the Sponsor. **Utilities and streets are available**, adequate to serve the proposed use, and will require little or no off-site construction.

**Permissive zoning is in place.**

**No filling** is necessary; soil shows **no evidence of instability**; or, **minimal grading is necessary** to improve site drainage. **Site is adequate** in size, exposure, configuration, and topography with no special facilities required. Site is **free from all adverse environmental conditions**, including hazardous conditions, and adequate fire and police protection is readily available.

4-6 points              **Some necessary services and facilities**, including shopping facilities for daily necessities, are within safe walking distance **OR** are easily accessible by frequently operating public transportation or by transportation provided by the Sponsor.

Streets and/or utilities can be made available to the site with **moderate** extensions.

**Rezoning is necessary** and Sponsor provided a reasonable assurance that it will be accomplished with only **minor** extensions.

**Some filling** is necessary; soil shows **some evidence** of instability; or **minor** grading is necessary to improve site drainage. Site is adequate in size, exposure, configuration and topography with no special facilities required. Site is free from all **hazardous** environmental conditions, but **some minor adverse conditions exist** (e.g., higher than acceptable noise level). However, mitigation is possible **without significant expenditures** of time and expense. Adequate fire and police protection is readily available.

1-3 points

**Few necessary services and facilities**, including shopping facilities for daily necessities are within safe walking distance. **Description of the availability of public transportation or the willingness, capacity and plan of the Sponsor to provide transportation is vague.**

Streets and/or utilities can be made available to the site only with **significant extensions**.

**Rezoning is necessary** and the Sponsor provided a reasonable assurance that it will be accomplished with **moderate extensions**.

**Moderate** filling is necessary; soil shows **evidence of instability including the need for geo-technical and/or dynamic soil analysis**; or **moderate** regrading is necessary to improve site drainage. **Site is minimally acceptable** in terms of size, exposure, configuration, drainage, and topography with some special facilities required. Site is free from all **hazardous** environmental conditions, but some minor adverse conditions exist (e.g., higher than acceptable noise level).

However, mitigation is possible but with **significant expenditures** of time and expense. Adequate fire and police protection is readily available.

(FHEO)(c) Suitability of the site from the standpoints of promoting a greater choice of housing opportunities for minority persons and affirmatively furthering fair housing. (10 points maximum)

FHEO awards points under this criterion by considering the existence and location of existing housing for minority persons and whether a minority concentrated area has an unmet need for such housing in determining whether a site promotes housing choice.

**Situation #1** - Housing market area where there is no existing assisted housing for elderly minority persons (including Section 202, low rent public housing, and other assisted housing projects). There is a need for such housing both inside and outside areas of minority concentration.

10 points

The site is located in a racially mixed area with a need for such housing.

- 8 points            The site is located in a nonminority area with a need for such housing.
- 5 points            The site is located in a minority concentrated area with a need for such housing. The Sponsor has comparable rental units outside of the minority concentrated area that will be available to elderly minority persons through vacancies and/or turnover, thus providing a housing choice to those elderly minority persons who live outside the minority community.
- 3 points            The site is located in a minority concentrated area with a need for housing. Sponsor does not have comparable rental units outside of the minority concentrated area.
- 0 points            None of the above. The site, although acceptable, does not promote a greater choice of housing opportunities for minority elderly persons.

**Situation #2** - Housing market area where there is existing assisted housing for the minority elderly (including Section 202, other low rent public housing, and other assisted housing projects for minority elderly persons) and such housing is located in a nonminority area. There is an unmet need to house minority elderly persons in a minority concentrated area:

- 10 points           The site is located in a minority concentrated area with an unmet housing need for elderly and/or minority elderly persons.
- 8 points            The site is located in a racially mixed area bordering the minority concentrated area with an unmet need for housing minority elderly persons.
- 5 points            The site is located in a non-minority area but Sponsor has comparable rental units in the minority concentrated area that will be available to minority elderly persons through vacancies and/or turnover, thus providing a housing choice to minority elderly persons who desire to remain in the minority community.
- 0 points            None of the above. The site, although acceptable, does not promote a greater choice of housing opportunities for minority elderly persons.

**Situation #3** - Housing market area where the existing housing for minority elderly persons is located in an area of minority concentration. There is still a housing need in the minority concentrated area, as well as in the community as a whole:

- 10 points            The site is located in a racially mixed area.
- 8 points            The site is located in a non-minority area.
- 5 points            The site is located in a minority area but Sponsor has comparable rental units outside of the minority concentrated area that will be available to minority elderly persons (through vacancies and/or turnover), thus providing a housing choice to minority elderly persons who live outside the minority community.
- 0 points            None of the above. The site, although acceptable, does not promote a greater choice of housing opportunities for minority elderly persons.

**Situation #4** - Housing market area where few or no minorities live. (There are no or few areas of minority concentration.)

- 10 points            The site is located in a housing market area with a population of only a few minorities.
- 5 points            The site is located in a housing market area with a population of no minorities.

**Situation #5** - Housing market area where existing assisted housing for the minority elderly is inside a minority concentrated area and also outside a minority concentrated area. Both areas have an unmet need for housing for minorities.

- 10 points            The site is located **Outside** and the majority of assisted housing is located inside.
- 10 points            The site is located **Inside** and the majority of assisted housing is located outside.
- 5 points            The site is located **Outside** and the majority of assisted housing is located outside.
- 5 points            The site is located **Inside** and the majority of assisted housing is located inside.

**Situation #6** - Housing market area where few or no nonminorities live. (There are no or few areas of nonminority concentration.)

- 10 points            The site is located in a housing market area with a population of only a few nonminorities.
- 5 points            The site is located in a housing market area with a population of no nonminorities.

3.     In determining the adequacy of the provision of supportive services, consider the following: 20 points maximum



- (ARCH) (a) The extent to which the proposed design will meet the special physical needs of elderly persons (3 points maximum).
- 3 points                   The narrative is **detailed** and indicates how local codes and Section 202 program requirements will be met and how Fair Housing Amendments and Section 504 requirements will be included in the design development of the project's interior and exterior spaces, circulation, and recreation.
- 1-2 points                The narrative is **general** and indicates how local codes, Section 202, Fair Housing Amendments and Section 504 requirements will be achieved, and gives assurances that full compliance will be achieved during the design phase.
- (ARCH) (b) The extent to which the proposed size and unit mix of housing will enable the Sponsor to manage and operate the housing efficiently and ensure that the provision of supportive services will be accomplished in an economical manner (4 points maximum).



- (MHR (d) & AM avg'd) The extent to which the proposed supportive services meet the identified needs of the residents. (5 points maximum)
- 5 points The proposed population does not have any special supportive service needs; **HOWEVER**, the Sponsor has addressed aging in place and described how supportive services will be made available to the residents in the future for the remaining useful life of the project;
- Sponsor has comprehensively described the specific supportive service needs of the identified elderly group to be housed. Proposed services address the identified needs, provide for tailoring to individual needs, and are consistent with program requirements. Method of service delivery is appropriate and clearly described. Sponsor's service plan discusses provisions for those aging in place.
- 3-4 points The elderly group to be housed and their supportive needs are well described. Proposed services address the principal needs identified, and the method of delivery is appropriate. The service plan is consistent with program requirements. Aging in place needs are addressed.
- 1-2 points The elderly group to be housed and their supportive needs are generally described. Description of services and method of delivery are general in nature. Some specifics of the service plan may yet need to be developed. Aging in place needs are discussed.
- (MHR (e) & AM avg'd) The extent to which the sponsor demonstrated that the identified supportive services will be provided on a consistent long-term basis (5 points maximum).
- 4-5 points Well documented explanation for the long-term provision of supportive services, including funding, for residents as they age in place.
- 1-3 points Limited explanation for the long-term provision of supportive services, including funding, for residents as they age in place.

#### 4. Bonus Points

- (MHR)(a) The Sponsor has involved elderly persons, including minority elderly persons, in the development of the application and will involve elderly persons, including minority elderly persons, in the development of the project **(5 Bonus Points)**. [See Exhibit 3e.]  
The Sponsor met with elderly persons at least twice during the preparation of the application to solicit comments, drafts of the application were circulated to elderly persons for review, and/or the Sponsor board includes at least 20 percent elderly members. Also, the Sponsor discussed the input received and whether the input was accepted.
- (CPD) (b) The project will be located within the boundaries of a Federally designated Empowerment Zone, Urban Supplemental Empowerment Zone, Enterprise Community, or an Urban Enhanced

Enterprise Community (5 **bonus points**).

## Appendix B - HUD Offices

NOTE: The first line of the mailing address for all offices is Department of Housing and Urban Development.

Telephone numbers listed are not toll-free.

**HUD - NEW ENGLAND AREA****CONNECTICUT STATE OFFICE**

First Floor  
330 Main Street  
Hartford, CT 06106-1860  
(203) 240-4523  
TTY Number: (860) 240-4665

**MASSACHUSETTS STATE OFFICE**

Room 375  
Thomas P. O'Neill, Jr. Federal Building  
10 Causeway Street  
Boston, MA 02222-1092  
(617) 565-5234  
TTY Number: (617) 565-5453

**NEW HAMPSHIRE STATE OFFICE**

Norris Cotton Federal Building  
275 Chestnut Street  
Manchester, NH 03101-2487  
(603) 666-7681  
TTY Number: (603) 666-7518

**RHODE ISLAND STATE OFFICE**

Sixth Floor  
10 Weybosset Street  
Providence, RI 02903-3234  
(401) 528-5351  
TTY Number: (401) 528-5403

**HUD - NEW YORK, NEW JERSEY AREA****NEW JERSEY STATE OFFICE**

Thirteenth Floor  
One Newark Center  
Newark, NJ 07102-5260  
(201) 622-7900  
TTY Number: (201) 645-3298

**NEW YORK STATE OFFICE**

26 Federal Plaza  
New York, NY 10278-0068  
(212) 264-6500  
TTY Number: (212) 264-0927

**BUFFALO AREA OFFICE**

Fifth Floor  
Lafayette Court  
465 Main Street  
Buffalo, NY 14203-1780  
(716) 551-5755  
TTY Number: (716) 551-5787

**HUD - MIDATLANTIC AREA****DISTRICT OF COLUMBIA OFFICE**

820 First Street, NE  
Washington, D.C. 20002-4502  
(202) 275-9200  
TTY Number: (202) 275-0772

**MARYLAND STATE OFFICE**

Fifth Floor  
City Crescent Building  
10 South Howard Street  
Baltimore, MD 21201-2505  
(410) 962-2520  
TTY Number: (410) 962-0106

**PENNSYLVANIA STATE OFFICE**

The Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390  
(215) 656-0600  
TTY Number: (215) 656-3452

**VIRGINIA STATE OFFICE**

The 3600 Centre  
3600 West Broad Street  
P.O. Box 90331  
Richmond, VA 23230 - 0331  
(804) 278-4507  
TTY Number: (804) 278-4501

**WEST VIRGINIA STATE OFFICE**

Suite 708  
405 Capitol Street  
Charleston, WV 25301-1795  
(304) 347-7000  
TTY Number: (304) 347-5332

**PITTSBURGH AREA OFFICE**

339 Sixth Avenue  
Sixth Floor  
Pittsburgh, PA 15222-2515  
(412) 644-6428  
TTY Number: (412) 644-5747

**HUD - SOUTHEAST/CARIBBEAN AREA****ALABAMA STATE OFFICE**

Suite 300  
Beacon Ridge Tower  
600 Beacon Parkway, West  
Birmingham, AL 35209-3144  
(205) 290-7617  
TTY Number: (205) 290-7630

**CARIBBEAN OFFICE**

New San Juan Office Building  
159 Carlos Chardon Avenue  
San Juan, PR 00918-1804  
(809) 766-6121  
TTY Number: (809) 766-5909

**GEORGIA STATE OFFICE**

Richard B. Russell Federal Building  
75 Spring Street, S.W.  
Atlanta, GA 30303-3388  
(404) 331-5136  
TTY Number: (404) 730-2654

**KENTUCKY STATE OFFICE**

601 West Broadway  
P.O. Box 1044  
Louisville, KY 40201-1044  
(502) 582-5251  
TTY Number: 1-800-648-6056

**MISSISSIPPI STATE OFFICE**

Suite 910  
Doctor A.H. McCoy Federal Building  
100 West Capitol Street  
Jackson, MS 39269-1096  
(601) 965-5308  
TTY Number: (601) 965-4171

**NORTH CAROLINA STATE OFFICE**

Koger Building  
2306 West Meadowview Road  
Greensboro, NC 27407-3707  
(919) 547-4001  
TTY Number: (919) 547-4055

**SOUTH CAROLINA STATE OFFICE**

Strom Thurmond Federal Building  
1835-45 Assembly Street  
Columbia, SC 29201-2480  
(803) 765-5592  
TTY Number: (803) 253-3071

**TENNESSEE STATE OFFICE**

Suite 200  
251 Cumberland Bend Drive  
Nashville, TN 37228-1803  
(615) 736-5213  
TTY Number: (615) 736-2886

**JACKSONVILLE AREA OFFICE**

Suite 2200  
Southern Bell Tower  
301 West Bay Street  
Jacksonville, FL 32202-5121  
(904) 232-2626  
TTY Number: (904) 232-1241

**KNOXVILLE AREA OFFICE**

Third Floor  
John J. Duncan Federal Building  
710 Locust Street  
Knoxville, TN 37902-2526  
(423) 545-4384  
TTY Number: (423) 545-4559

**HUD - MIDWEST AREA****ILLINOIS STATE OFFICE**

Ralph H. Metcalfe Federal Building  
77 West Jackson Boulevard  
Chicago, IL 60604-3507  
(312) 353-5680  
TTY Number: (312) 353-5944

**INDIANA STATE OFFICE**

151 North Delaware Street  
Indianapolis, IN 46204-2526  
(317) 226-6303  
TTY Number: (317) 226-7081

**MICHIGAN STATE OFFICE**

Patrick V. McNamara Federal Building  
477 Michigan Avenue  
Detroit, MI 48226-2592  
(313) 226-7900  
TTY Number: (313) 226-6899

**MINNESOTA STATE OFFICE**

220 Second Street, South  
Minneapolis, MN 55401-2195  
(612) 370-3000  
TTY Number: (612) 370-3186

**OHIO STATE OFFICE**

200 North High Street  
Columbus, OH 43215-2499  
(614) 469-5737  
TTY Number: (614) 469-6694

**WISCONSIN STATE OFFICE**

Suite 1380  
Henry S. Reuss Federal Plaza  
310 West Wisconsin Avenue  
Milwaukee, WI 53203-2289  
(414) 297-3214  
TTY Number: (414) 297-3123

**CINCINNATI AREA OFFICE**

525 Vine Street  
Seventh Floor  
Cincinnati, OH 45202-3188  
(513) 684-2884  
TTY Number: (513) 684-6180



**CLEVELAND AREA OFFICE**

Fifth Floor  
Renaissance Building  
1350 Euclid Avenue  
Cleveland, OH 44115-1815  
(216) 522-4065  
TTY Number: (216) 522-2261

**GRAND RAPIDS AREA OFFICE**

Trade Center Building  
Third Floor  
50 Louis Street, NW  
Grand Rapids, MI 49503-2648  
(616) 456-2100  
TTY Number: (616) 456-2159

**HUD - SOUTHWEST AREA****ARKANSAS STATE OFFICE**

Suite 900  
TCBY Tower  
425 West Capitol Avenue  
Little Rock, AR 72201-3488  
(501) 324-5931  
TTY Number: (501) 324-5931

**LOUISIANA STATE OFFICE**

Ninth Floor  
Hale Boggs Federal Building  
501 Magazine Street  
New Orleans, LA 70130-3099  
(504) 589-7200  
TTY Number: (504) 589-7279

**OKLAHOMA STATE OFFICE**

500 Main Plaza  
500 West Main Street  
Suite 400  
Oklahoma City, OK 73102-2233  
(405) 553-7400  
TTY Number: (405) 553-7480

**TEXAS STATE OFFICE**

1600 Throckmorton Street  
P.O. Box 2905  
Fort Worth, TX 76113-2905  
(817) 978-9000  
TTY Number: (817) 978-9273

**HOUSTON AREA OFFICE**

Suite 200  
Norfolk Tower  
2211 Norfolk  
Houston, TX 77098-4096  
(713) 313-2274  
TTY Number: (713) 834-3274

**SAN ANTONIO AREA OFFICE**

Washington Square  
800 Dolorosa Street  
San Antonio, TX 78207-4563  
(210) 472-6800  
TTY Number: (210) 472-6885

**HUD - GREAT PLAINS****IOWA STATE OFFICE**

Room 239  
Federal Building  
210 Walnut Street  
Des Moines, IA 50309-2155  
(515) 284-4512  
TTY Number: (515) 284-4728

**KANSAS/MISSOURI STATE OFFICE**

Room 200  
Gateway Tower II  
400 State Avenue  
Kansas City, KS 66101-2406  
(913) 551-5462  
TTY Number: (913) 551-6972

**NEBRASKA STATE OFFICE**

Executive Tower Centre  
10909 Mill Valley Road  
Omaha, NE 68154-3955  
(402) 492-3100  
TTY Number: (402) 492-3183

**SAINT LOUIS AREA FIELD OFFICE**

Third Floor  
Robert A. Young Federal Building  
1222 Spruce Street  
St. Louis, MO 63103-2836  
(314) 539-6583  
TTY Number: (314) 539-6331

**HUD - ROCKY MOUNTAINS AREA****COLORADO STATE OFFICE**

633 17th Street  
Denver, CO 80202-3607  
(303) 672-5440  
TTY Number: (303) 672-5248

**HUD - PACIFIC/HAWAII AREA****ARIZONA STATE OFFICE**

Suite 1600  
Two Arizona Center  
400 North 5th Street  
Phoenix, AZ 85004-2361  
(602) 379-4434  
TTY Number: (602) 379-4464

**CALIFORNIA STATE OFFICE**

Philip Burton Federal Building and U.S. Courthouse  
450 Golden Gate Avenue  
P.O. Box 36003  
San Francisco, CA 94102-3448  
(415) 436-6532  
TTY Number: (415) 436-6594

**HAWAII STATE OFFICE**

Suite 500  
7 Waterfront Plaza  
500 Ala Moana Boulevard  
Honolulu, HI 96813-4918  
(808) 522-8175  
TTY Number: (808) 522-8193

**LOS ANGELES AREA OFFICE**

1615 West Olympic Boulevard  
Los Angeles, CA 90015-3801  
(213) 894-8000  
TTY Number: (213) 894-8133

**SACRAMENTO AREA OFFICE**

Suite 200  
777 12th Street  
Sacramento, CA 95814-1997  
(916) 498-5220  
TTY Number: (916) 498-5959

**HUD - NORTHWEST/ALASKA AREA****ALASKA STATE OFFICE**

Suite 401  
University Plaza Building  
949 East 36th Avenue  
Anchorage, AK 99508-4399  
(907) 271-4170  
TTY Number: (907) 271-4328

**OREGON STATE OFFICE**

400 Southwest Sixth Avenue  
Suite 700  
Portland, OR 97204-1632  
(503) 326-2561  
TTY Number: (503) 326-3656

**WASHINGTON STATE OFFICE**

Suite 200  
Seattle Federal Office Building  
909 First Avenue  
Seattle, WA 98104-1000  
(206) 220-5101  
TTY Number: (206) 220-5185